

REMARKS

This is responsive to the Office Action dated March 31, 2003. Claims 1-38 are pending. In the Office Action, the Examiner rejected claims 1-38 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,272,269 to Naum (hereafter Naum). In making these rejections, however, the Examiner provided Applicant with little or no explanation or rationale to support the rejections. In particular, for each independent claim, the Examiner cited cryptic passages of Naum that have nothing in common with the features of Applicant's claims. In doing so, the Examiner provided no explanation of how Naum discloses or suggests Applicant's claimed features. Moreover, for each dependent claim, the Examiner merely restated the features of Applicant's claims, and declared that "Naum discloses and shows [the features]." For each dependent claim, the Examiner did not even attempt to cite any specific teaching in Naum that discloses or suggests the respective features.

Each of Applicant's independent claims recite a light emitting diode that emits a radiation pattern, wherein a maximum luminous intensity of the radiation pattern is displaced relative to a center axis of the light emitting diode. In addition, each of Applicant's independent claims recite light guides positioned at offset locations relative to the center axis of the light emitting diode. In rejecting Applicant's different independent claims the Examiner made passing reference to the following passages of Naum: column 1, lines 7-15, FIG. 10, column 3, lines 24, 43-55, column 5, lines 9-20, and FIG. 23C. Each passage is discussed in turn.

Column 1, lines 7-15 of Naum merely describes the general use of light sources to illuminate waveguides. Column 1, lines 7-15 of Naum provides absolutely no disclosure or suggestion of the use of light emitting diodes that have radiation patterns in which the maximum luminous intensity of the radiation pattern is displaced relative to a center axis of the light emitting diode, as recited in Applicant's independent claims. Moreover, column 1, lines 7-15 of Naum provides absolutely no disclosure or suggestion of the positioning of light guides at offset locations relative to the center axis of the light emitting diode, as recited in Applicant's independent claims.

FIG. 10 of Naum merely shows a wave guide being coupled to an illumination source. Nothing in FIG. 10 discloses or suggests the use of light emitting diodes that have radiation patterns in which the maximum luminous intensity of the radiation pattern is displaced relative to a center axis of the light emitting diode, as recited in Applicant's independent claims. Moreover,

FIG. 10 provides absolutely no suggestion of the positioning of light guides at offset locations relative to the center axis of the light emitting diode, as recited in Applicant's independent claims. Indeed, multiple light guides are not even illustrated in FIG. 10, much less the specific positioning of multiple light guides at offset locations relative to a center axis of the light emitting diode, as required by Applicant's claims.

Column 3, lines 24, 43-55 of Naum mentions waveguides and provides a list of various light sources that can be used to illuminate a waveguide. Notably, column 3, lines 24, 43-55 lacks any discussion or suggestion of light emitting diodes that have radiation patterns in which the maximum luminous intensity of the radiation pattern is displaced relative to a center axis of the light emitting diode, as recited in Applicant's independent claims. Moreover, column 3, lines 24, 43-55 provides absolutely no suggestion of the positioning of light guides at offset locations relative to the center axis of the light emitting diode, as recited in Applicant's independent claims.

Column 5, lines 9-20 of Naum describes an optical fiber illuminator, and the use of a wavelength selector, such as a diffraction grating, to select specific wavelengths to illuminate optical fibers. Like the other passages of Naum, column 5, lines 9-20 lacks any discussion or suggestion of light emitting diodes that have radiation patterns in which the maximum luminous intensity of the radiation pattern is displaced relative to a center axis of the light emitting diode, as recited in Applicant's independent claims. Moreover, column 5, lines 9-20 provides absolutely no suggestion of the positioning of light guides at offset locations relative to the center axis of the light emitting diode, as recited in Applicant's independent claims.

FIG. 23C was cited by the Examiner to reject independent claims 26, 30 and 35. Applicant is entirely confused as to the Examiner's rationale in the mere recitation of FIG. 23C to reject these claims. FIG. 23C lacks any suggestion of light emitting diodes that have radiation patterns in which the maximum luminous intensity of the radiation pattern is displaced relative to a center axis of the light emitting diode, as recited in independent claims 26, 30 and 35. Moreover, FIG. 23C provides absolutely no suggestion of the positioning of light guides at offset locations relative to the center axis of the light emitting diode, as recited in Applicant's independent claims 26, 30 and 35. In addition, as addressed below, claims 26, 30 and 35 recite numerous other features that are clearly absent from FIG. 23C.

As a matter of law, all of the Examiner's rejections are clearly inappropriate insofar as the rejections lack a reasoned explanation of the Examiner's decision. It is well established that administrative agencies in general, and the United States Patent and Trademark Office in particular, "must present a full and reasoned explanation of its decision." *In re Lee*, 61 USPQ2d 1430, 1432 (Fed. Cir. 2002). "This standard requires that the agency not only have reached a sound decision, but have articulated the reasons for that decision." *Id.* at 1433.

The Examiner did not provide a full and reasoned explanation for the rejection of claims 1-38. In particular, the mere citation of passages from Naum that bear no relation to the features recited in Applicant's independent claims falls far short of meeting the Examiner's evidentiary burden. Furthermore, the lack of any citation or discussion of the prior art with respect to Applicant's dependent claims is clearly inappropriate. The Examiner appears to have made no effort to demonstrate how the cited reference anticipates Applicant's claims. For this reason, the Examiner's rejections do not give Applicant fair notice of the basis for the rejections, as required under the law.

Naum fails to disclose numerous features recited in Applicant's claims. Most apparent is the lack of any teaching or suggestion in Naum of the features recited in Applicant's independent claims. As addressed above, each of Applicant's independent claims recite a light emitting diode that emits a radiation pattern, wherein a maximum luminous intensity of the radiation pattern is displaced relative to a center axis of the light emitting diode. In addition, each of Applicant's independent claims recite light guides positioned at offset locations relative to the center axis of the light emitting diode. As detailed in Applicant's specification, positioning the light guides at offset locations relative to the center axis of the light emitting diode allows Applicant's claimed invention to exploit a radiation pattern of the light emitting diode which has a maximum luminous intensity that is displaced relative to a center axis of the light emitting diode. *See e.g.*, page 4, lines 1-7; page 7, lines 23-30; and page 8, lines 10-12.

Naum clearly does not disclose or suggest the positioning the light guides at offset locations relative to the center axis of the light emitting diode having a maximum luminous intensity that is displaced relative to a center axis of the light emitting diode, as claimed. For this reason, Naum clearly does not anticipate any of Applicant's claims. As outlined above, the passages of Naum, cited by the Examiner, simply bear no relation to these claimed features.

Indeed, Applicant is confused as to the Examiner's rational for even citing Naum. Accordingly, Applicant requests immediate withdrawal of all pending rejections.

Many of Applicant's claims recite numerous additional features that are not disclosed or suggested by Naum, and in many cases, were not even addressed by the Examiner. For example, claims 2, 10, 15, 20, 25, 27, 31 and 34 each recite that the light guides are positioned such that a cross-sectional center of each light guide substantially corresponds to locations of the maximum luminous intensity of the radiation pattern of the light emitting diode. Nothing in Naum discloses or suggests this feature, and the Examiner did not even attempt to address this feature.

Also, claims 3, 16, 28 and 32 recite that the locations of the maximum luminous intensity of the radiation pattern of the light emitting diode are substantially rotationally symmetric around the center axis of the light emitting diode. The Examiner identified nothing in Naum that discloses or suggests this feature, particularly in the context of a radiation pattern having a maximum luminous intensity that is displaced relative to a center axis of the light emitting diode.

Claims 5, 11, 14, 19 and 30 further recite a light guide fixture formed to mate with the light guides, wherein the light guide fixture positions the light guides at the offset locations relative to the center axis of the light emitting diode. Nothing in Naum discloses or suggests this additional feature, and the Examiner did not even attempt to address this feature.

Claims 6, 12, 17 and 21 further recite that the light guide fixture is positioned adjacent the light emitting diode. Claims 7, 13, 18 and 22 further recite that the light guide fixture is a housing that houses the light emitting diode. Nothing in Naum discloses or suggests these additional features, and the Examiner did not even attempt to address these features.

Claims 8, 23 and 35 further recite that one of the light guides provides directional side lighting in a first direction and another of the light guides provides directional side lighting in a second direction. Similarly, claim 29 recites that each light guide provides directional side lighting in a unique direction. Nothing in Naum discloses or suggests these additional features, and the Examiner did not even attempt to address these features.

Various other claims, such as claims 19 and 30 recite the combination of multiple light emitting diodes, each having a maximum luminous intensity displaced relative to a center axis of the respective light emitting diode, and light guides positioned at offset locations relative to the center axis of the respective light emitting diode. Again, nothing in Naum discloses or suggests these additional features, and the Examiner did not even attempt to address these features.

Claim 38 recites that the first and second light guides provide lighting in different colors. Nothing in Naum discloses or suggests these additional features, particularly in the context of positioning light guides at offset locations relative to a center axis of a light emitting diode having a radiation pattern that has a maximum luminous intensity that is displaced relative to the center axis of the light emitting diode. Moreover, like almost every other feature of Applicant's claims, Examiner did not even attempt to address this feature.

Claim 26 recites that a frame of a sign that houses the light emitting diodes. Moreover, as recited in claim 26, the frame is formed with holes and light guides protrude through the holes. This feature is also lacking from the disclosure of Naum, particularly in the context of positioning light guides at offset locations relative to a center axis of a light emitting diode having a radiation pattern that has a maximum luminous intensity that is displaced relative to the center axis of the light emitting diode.

In order to support an anticipation rejection under 35 U.S.C. 102(e), it is well established that a prior art reference must disclose each and every element of a claim. This well known rule of law is commonly referred to as the "all-elements rule." See *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 231 USPQ 81 (CAFC 1986) ("it is axiomatic that for prior art to anticipate under 102 it has to meet every element of the claimed invention"). If a prior art reference fails to disclose any element of a claim, then rejection under 35 U.S.C. 102(e) is improper. *Id.* See also *Lewmar Marine, Inc. v. Barient, Inc.* 827 F.2d 744, 3 USPQ2d 1766 (CAFC 1987); *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (CAFC 1990); *C.R. Bard, Inc. v. MP Systems, Inc.*, 157 F.3d 1340, 48 USPQ2d 1225; *Indus. Inc. v. Top-U.S.A. Corp.*, 63 USPQ2d 1597 (Fed. Cir. 2002).

As outlined above, Applicant's claims include not one, but several elements that are not disclosed or suggested in Naum. Accordingly, the anticipation rejections under 35 U.S.C. 102(e) are clearly improper and should be immediately withdrawn.

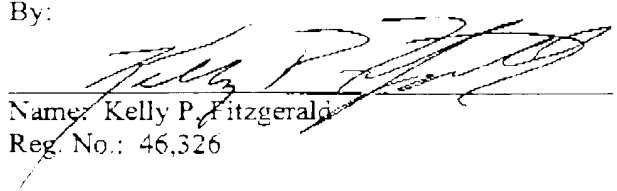
All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below signed attorney to discuss this application.

Date:

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SHUMAKER & SIEFFERT, P.A.
8425 Seasons Parkway, Suite 105
St. Paul, Minnesota 55125
Telephone: 651.735.1100
Facsimile: 651.735.1102

By:


Name: Kelly P. Fitzgerald
Reg. No.: 46,326